

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIUS CARTER ANDERSON,

Plaintiff, No. CIV S-03-0817 MCE KJM P

vs.

W. HARTLEY, et al.,

Defendants. ORDER

Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On August 16, 2006, plaintiff filed a motion for a “preliminary injunction / temporary restraining order” asking that the court order defendants to do a number of things including allow plaintiff to obtain a typewriter.

This action is currently proceeding against defendants Morrison and Hernandez for their alleged failure to address plumbing problems that resulted in plaintiff being injured, and against defendant Pai for her alleged failure to provide plaintiff with adequate medical care. The matters presented in plaintiff’s August 16, 2006 motion, and plaintiff’s subsequently filed “addendums” to the motion, do not concern the actions of any remaining defendant, nor the alleged factual circumstances still before the court. The motion primarily concerns the actions of

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1 a correctional officer named "Barajas." To obtain the relief plaintiff requests in his August 16,
2 2006 motion, plaintiff would need to initiate a separate lawsuit naming those persons plaintiff
3 believes have caused him harm as defendants. This is because the court is unable to issue an
4 order against individuals who are not parties to a suit pending before it. See Zenith Radio Corp.
5 v. Hazeltine Research, Inc., 395 U.S. 100, 112 (1969).

6 In accordance with the above, IT IS HEREBY ORDERED that plaintiff's August
7 16, 2006 "motion for preliminary injunction" is denied.

8 DATED: December 11, 2006.

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11 U.S. MAGISTRATE JUDGE
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